

## OFFICIAL COPY

Fresno, California

March 8, 2005

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Jerry Duncan	Acting Council President
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Mike Dages	Council President

Andy Souza, City Manager  
Hilda Cantu Montoy, City Attorney  
Becky Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

Reverend Mgrdich Melkonian, First Armenian Presbyterian Church, gave the invocation, and President Dages led the Pledge of Allegiance.

**APPROVE MINUTES:**

On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, RESOLVED, the minutes of March 1, 2005, approved as submitted.

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**COUNCIL MEMBER REPORTS AND COMMENTS:**

ANNOUNCEMENT OF AND INVITATION TO ATTEND THE VIETNAM VETERANS MOVING WALL (REPLICA) CEREMONIAL EVENT AT THE EATON PLAZA ON MAY 9<sup>TH</sup> AT 7:00 P.M. - COUNCILMEMBER CALHOUN

Announcement/invitation made with Councilmember Calhoun adding financial contributions were still welcome and requested those interested in contributing contact his office and he would provide contact information.

COMMENDATION TO PARKS EMPLOYEE IRENE FRANK, PARKS EMPLOYEES, AND EVERYONE ELSE INVOLVED IN THE FLOWER PLANTING AROUND THE PEACE OFFICERS MEMORIAL AT THE POLICE DEPARTMENT - COUNCILMEMBER CALHOUN

Commendation made.

ANNOUNCEMENT OF WEB SITE FOR THE BASE REALIGNMENT AND CLOSING COMMISSION (BRACC) PROCESS ISSUE - COUNCILMEMBER WESTERLUND

Councilmember Westerlund thanked Council for their support last week for the retention of city and county military bases and advised a website, [www.savefresnobases.com](http://www.savefresnobases.com) was now up and available for information.

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**APPROVE AGENDA:**

(2-A) REPORT ON MARKETING PLAN AND PACKAGE FOR ROEDING BUSINESS PARK

**145-90****3/8/05**

City Manager Souza requested the matter be set for 8:45 a.m. for staff convenience and Councilmember Westerlund advised he was going to request the matter be laid over one week so the economic development director could be present. By Council consensus the matter was laid over to March 15<sup>th</sup>.

**REQUEST TO SET ITEMS 2-B , 4-A & 4-C, AND 3-A FOR TIME CERTAIN**

Item 2-B was set for 8:45 a.m. for staff convenience by President Dages, Items 4-A and 4-C were set for 11:00 a.m. due to scheduled contract counsel at the request of City Attorney Montoy, and upon question of Councilmember Boyajian it was the consensus that Item 3-A would be considered in the morning session.

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, **RESOLVED**, the **AGENDA** hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
Noes : None  
Absent : None

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**ADOPT CONSENT CALENDAR:**

Barbara Hunt, 23475 S. Walnut, expressed concern with having to combine comments on City Council and Redevelopment Agency items, questioned how funds could be moved around in Item 1-E, and spoke to Council having trouble considering scheduled agenda items.

**(1-A) ITEM REMOVED FROM THE AGENDA**

**(1-B) AWARD A CONTRACT IN THE AMOUNT OF \$350,664.95 TO WASTEQUIP MFG. OF LOCKEFORD, CA, FOR METAL REFUSE CONTAINERS**

**(1-C) GRANTING RELIEF TO COOPER CHASE CONSTRUCTION OF FRIANT, CA, FROM THE BID THEY SUBMITTED DUE TO AN INADVERTENT CLERICAL ERROR, AND AWARD A CONTRACT FOR THE YOSEMITE INTERNATIONAL AIRPORT TICKETING LOBBY REHABILITATION PROJECT TO DL CONSTRUCTION IN THE AMOUNT OF \$270,147.10 FOR THE BASE BID PLUS ADD ALTERNATE NO. 1 (DEMOLITION OF THE LOBBY KIOSK) AND ADD ALTERNATE NO. 3 (INSTALLATION OF CARPET TILE FLOORING IN THE DEMOLISHED KIOSK AREA)**

**(1-E) RESOLUTION NO. 2005-86 - AMENDING AND SUPERSEDING RESOLUTION NOS. 2003-289 AND 2004-301 AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SIGN ALL NECESSARY DOCUMENTS AND AGREEMENTS TO IMPLEMENT THE CalHOME MORTGAGE ASSISTANCE FUNDING FROM THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, SUBJECT TO PRIOR APPROVAL BY THE CITY ATTORNEY'S OFFICE**

On motion of Councilmember Sterling, seconded by Councilmember Perea, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
Noes : None  
Absent : None

**(1-F) BILL NO. B-14 - ORDINANCE NO. 2005-22 - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO CITY ADMINISTRATIVE HEARING PROCEDURES, SELECTION OF HEARING OFFICERS, AND THE COST AND PENALTY RECOVERY ORDINANCE AND ADMINISTRATIVE CITATION PROCEDURES**

On motion of Councilmember Sterling, seconded by Councilmember Perea, duly carried, **RESOLVED**, the above entitled Bill No. B-14 adopted as Ordinance No. 2005-22, by the following vote:

Ayes : Boyajian, Duncan, Perea, Sterling, Dages  
Noes : Calhoun, Westerlund  
Absent : None

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**(2-B) APPROVE APPOINTMENT OF KAREN M. BRADLEY AS INTERIM CITY CONTROLLER**

Assistant City Manager Quinto recommended Council approve the appointment due to her recent appointment as ACM and as required by the Charter.

Barbara Hunt, 2475 S. Walnut, questioned why so many position changes were taking place within the city organization.

Council and City Manager Souza commended Ms. Quinto and Ms. Bradley on the appointments and consideration thereof and spoke briefly to their capabilities and experience.

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, Karen M. Bradley appointed Interim City Controller for the City of Fresno for a period of approximately six months, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	None
Absent	:	None

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**(3-A) PRESENTATION ON COMPACT DEVELOPMENT IN THE SAN JOAQUIN VALLEY - COUNCILMEMBER BOYAJIAN**

Councilmember Boyajian advised the Housing Task Force was shown the presentation and it was being presented to Council for informational purposes and added hopefully this was something that could be done for downtown.

Housing Manager Sigala gave a PowerPoint presentation on the issue.

Councilmember Boyajian thanked staff, stated with the City, RDA and Housing Authority working together with HOME funds he hoped housing like this could be developed downtown, and spoke to the tremendous increase in housing prices and advised the task force would be doing more things to educate the public.

Councilmember Calhoun agreed compact development made a lot of sense, stated while more urbanized inner parts of the city tended to be looked at the 1,000 acres on the outer portions of the city also needed to be considered if Council was serious about the Landscape of Choice, and spoke to the light density designation for those 1,000 acres stating that was wrong and a mistake was made. Councilmember Perea questioned when this was going to happen and stated "let's do it!", and presented additional questions/comments relative to whether it was true the city was getting closer to compact development, if the department would be committing funds for this in the upcoming budget, if experimental zones (i.e., the arts district) could be created wherein fees would be waived so developers would be attracted, and the benefits of compact development and the inability to win the fight against air pollution until higher densities are created and mass transportation is made to work, with Councilmember Boyajian, Planning & Development Director Yovino and Mr. Sigala responding throughout. Councilmember Sterling thanked staff for the presentation, stated another area the task force could look at was urban sprawl and its contributions to air pollution **(2 - 0)**, and spoke to the benefits of compact development and to the need to educate the community at neighborhood meetings and when developments are looked at for different areas of the city. City Manager Souza stated the Mayor has made it clear that these types of downtown housing was a priority he wanted to see reflected in the upcoming budget, and added downtown housing can not happen in isolation and it would take the concepts just presented to make it work. There was no further discussion.

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**(9:00 A.M.) PUBLIC COMMENT PERIOD:**

**(A) SCHEDULED COMMUNICATION:** - APPEARANCE BY WILLIAM MILTON, SR. TO DISCUSS THE INSTALLATION AND FUNDING FOR WATER METERS

Appearance made.

**(B) UNSCHEDULED COMMUNICATIONS:**

APPEARANCE BY NORMAN PIMENTAL, 1900 N. ECHO, REGARDING LACK OF A SEWER LINE IN HIS COMMERCIAL

## BUILDING DUE TO DENIED ACCESS TO THE LINE BY HIS NEIGHBOR

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Appearance made with City Manager Souza and City Attorney Montoy responding and stating staff would look into the issue and report back to Mr. Pimental. After the following appearance, Councilmember Boyajian advised the case was in litigation and Interim Public Utilities Director Weimiller spoke further to, and clarified, issues.

## APPEARANCE BY BARBARA HUNT, 2475 S. WALNUT, REGARDING THE ADOPTED 2025 GENERAL PLAN AND LACK OF AN EIR FOR GROWTH

Appearance made.

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## (9:15 A.M.) REQUEST TO WITHDRAW THE CITY OF FRESNO AS A CHARTER MEMBER OF THE FRESNO-CLOVIS METROPOLITAN REGION METROPOLITAN AREA NETWORK ("MAN") AND GIVE DIRECTION ON THE FUTURE POLICY POSITION OF THE CITY FOR THE MAN EFFORT - COUNCILMEMBER DUNCAN

Councilmember Boyajian noted a huge volume of material was submitted to Council on the issue, stated one group wanted to move forward and another was wanting the process to stop, and questioned if it was premature to hear this item now, with City Attorney Montoy suggesting Council hear Councilmember Duncan's report and the public's testimony and then try to sort matters out.

Councilmember Duncan stated the detail was fully set out in his report to Council, clarified this issue was not about SBC, Comcast or any company but was about Council needing to address a legitimate policy issue which he stated should have been addressed six months ago, also noted there seemed to be some confusion in terms of what Fresno's involvement and support was and that needed to be clarified, stated his three recommendations would clarify some issues and should be supported by the RJI, clarified he was not trying to stop the process but was trying to ensure that appropriate safeguards are put in place to protect city taxpayers and make it clear up front what the city's position was and added it also needed to be made clear that he was told there was no interest in public money/taxpayer support for this effort, and thanked the RJI for being very responsive to his requests for information.

Assistant City Manager Ruiz spoke to the background of the issue, advised staff was supportive of exploring the feasibility of a public-private partnership for the MAN effort and look at any possible benefits that could be provided back to the community, advised use of any of the city's assets would require approval of the Mayor and City Council, and clarified the City of Fresno had not yet signed on to be a charter member of the organization and that option was out there and would also require Council approval.

Representing the Fresno Area Collaborative Regional Initiative (CRI) and speaking to the MAN effort at length were: Ken Newby, Fresno Business Council Chair and RJI Co-Chair, who gave a summary of what the telecommunications RFP was all about; Jim Michael, Chair of the RJI's Technology Infrastructure Task Force and Associate Director of Information Technology at CSUF, who spoke to his group's technology vision for the valley; Milo Medin, representing TechNet, and Ashley Swearingen, FSU Director of Community & Economic Development and COO of the RJI, who spoke to information technology (3 - 0), gave an overview of the proposed Central California Broadband (CCB), and addressed some questions that have come up; and Pete Weber, RJI Co-Chair, who commented on and responded to Councilmember Duncan's memorandum and recommendations and submitted written material containing their comments and attachments referred to by Mr. Newby, a copy of which is on file in the office of the city clerk.

SBC representatives speaking to the issue were: Eric Johnson, who stated he was now in concurrence with the CRI after listening to testimony and hearing Mr. Weber state he supported Councilmember Duncan's item and advised of the issues they had been concerned about, and Dan Noell, Sacramento, who is responsible for public sector marketing activities for 38 counties, who spoke at length to the demand aggregation model that was talked about and issues relative to city assets.

Scott Barbee, local AVP general manager for Comcast, concurred there were some public policy issues the city needed to address and be careful with; spoke to the issues of competition, availability of affordable broadband access, and need for a level playing field; and stated one of their biggest concerns was the CCB being able to use existing infrastructure and elaborated.

\*\*Visiting students from Craycroft School were recognized and welcomed.

At this time point Mr. Johnson from SBC returned to the podium, apologized for speaking twice stating he was not feeling well this date, and began speaking to the issues of existing infrastructure and investment and fainted. Emergency medical services were called for and a recess was taken.

**RECESS - 10:50 A.M. - 11:20 A.M.**

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President Dages advised Mr. Johnson was taken to Community Hospital and prayers were with him. Proceedings continued.

Continued speakers were: Mike Devins, Vice President, Communications Workers of America, Local 9408, 130 W. Shields, who stated their concerns were the CCB project could result in the loss of good-paying union jobs and taxpayers paying the burden for technology changes and maintenance; **(4 - 0)** Barbara Hunt, 2475 S. Walnut, who spoke to technology issues and public-private partnerships; David Wells, P.O. Box 1773, who spoke to his background/experience and information technology issues at length; Steve Newvine, CEO, Chamber of Commerce, who requested Council exercise caution and advised they would have concerns if the broadband program leads to the government sector subsidizing private business; Cynthia Downing, President & CEO of the Professional Exchange Service Corp., who spoke to the importance and benefit of competition in the telecommunications market; John Stewart, President of The Pearson Co., who spoke to his involvement in the CRI and RJ1 and in support of the RFP process; Tammy Katuin, Information Technology Director for The Pearson Co. and officer on the CCSIM Board, support for the RFP process and expanding broadband opportunities so people can work from home; Steve Geil, Chair-Elect, Chamber of Commerce, who spoke to numbers and up-front costs besides infrastructure; and Greg Gaither, Director of the Central Valley Internet Project at CSUF, Board of Directors of Central California Society for Information Managers, and original member of the CRI and current member of the RJ1, who spoke to the history of the issue and how it got here and in support of the RFP process.

Councilmember Duncan thanked everyone for their input and especially the RJ1, stated the good open debate accomplished all he hoped would be accomplished and he was glad to hear there appeared to be a lot of agreement, stated his intent was to get this proposal out into the public and get proper protection and safeguards in place for city assets, presented questions/comments relative to using the excess broadband of the city's traffic operation center (TOC) and if the city attorney had reviewed that issue at all (with City Attorney Montoy responding), need to look into whether using city assets paid for the federal government was permissible or not, the goals of the RJ1 being great goals, issues relative to installing fiber optic to homes and addressing the digital divide, and his pleasure in hearing there was no interest in using the City of Fresno as a financing partner. Councilmember Duncan noted his recommendation consisted of three parts and advised he was eliminating #1 as requested by the RJ1 adding he did not know if that was a critical issue, and made a motion to approve recommendation Nos. 2 and 3 and stated he felt this was a win-win for all. The motion was seconded by Councilmember Sterling and later acted upon.

Lengthy discussion ensued. Councilmember Calhoun spoke in opposition to the motion and explained his reasons therefor, spoke to the issue at length and presented questions to the Chamber representatives relative to their opposition to the public sector being involved and if city representatives were invited to speak with the Chamber Board (with Mr. Newvine and Mr. Geil responding), and further commented on the issue and stated his support for moving forward to see what the RFP brings back adding that is when it should be debated. Councilmember Sterling also spoke to the issue at length, **(5 - 0)** to her support for the motion and reasons therefor, and thanked the Chamber for taking their position. Councilmember Perea stated he concurred with Councilmember Calhoun, stated a lots of assumptions were being made relative to jobs which could not be substantiated because information from the RFP has not been seen, and stressed information was needed to make a better decision and asked that Council not be afraid of it. Councilmember Boyajian stated nothing changed from his opening statement about this being premature, concurred information was needed, and spoke in support of seeing what the RFP produces and stated he did not feel the motion's intent was to stop the process but felt it was a compromise. Councilmember Westerlund stated this was a policy discussion that should have occurred earlier and advised he would support the motion but his struggle was what the vision was here and what was lacking and what was trying to be fixed and explained. Councilmember Perea questioned whether the RJ1 saw the motion as a compromise or unacceptable and if the motion could be refined to clearly state the city would not bond or participate directly in funding, with Mr. Weber and Councilmember Duncan responding and further clarifying their position and intent. Ms. Swearingen added Fresno needed to take the position that regardless of what happens with CCB the city needs to look at all public assets that could have some potential advantage for deploying telecommunications infrastructure by any company and explained.

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, Recommendation Nos. 2 and 3 hereby approved as follows: Staff directed to establish a policy that (1) provides for a competitively bid process for the use of any excess city-owned broadband capacity, and (2) states the City of Fresno will not participate in any fiscal manner with the Central California Broadband or related concepts as stated within the RFP or PBB literature, by the following vote:

Ayes :	Boyajian, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	Calhoun
Absent :	None

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**LUNCH RECESS - 12:40 P.M. - 2:00 P.M.**

**145-94**

**3/8/05**

**CLOSED SESSION:**

**(4-A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:**

1. DANNY AGUIRRE V. COF
2. TURBINE TECHNOLOGY SERVICES CORP. V. COF

**(4-B ) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATION: FRESNO POLICE OFFICERS ASSOCIATION (FPOA MANAGEMENT UNIT)**

**(4-C) CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**

PROPERTY: PARCELS AT 800 AND 808 "M" STREET

UNDER NEGOTIATION: PRICE FOR ACQUISITION AND LEASE OF PROPERTY

The City Council met in closed session in Room 2125 at the hour of 2:00 p.m. to consider the above issues and reconvened in regular open session at 3:26 p.m.

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**(2:00 P.M. #1) CONTESTED CONSENT CALENDAR ITEM(S):**

**(1-D) APPROVE A WATER DELIVERY AGREEMENT WITH RUNNING HORSE, LLC FOR THE ANNUAL SALE OF 400 ACRE FEET OF KINGS RIVER WATER SUPPLY ENTITLEMENTS**

Councilmember Calhoun stated this was an interesting approach to delivering water and added it could potentially be precedent-setting as the city continues to grow, and presented questions relative to how/why the water plan was changed from what was originally approved by Council, what implications, if any, this has for other developments in the city, and if the Running Horse project or water supply would be threatened if the Veterans home does not come on-line by 2008, with Project Manager Barnes and Interim Public Utilities Director Weimiller responding throughout. Councilmember Calhoun stated this was a win-win for the City and the developer and explained, commended staff stating this positive and creative work, and made a motion to approve staff's recommendation. The motion was seconded and acted upon after brief discussion.

Mr. Weimiller responded briefly to questions of Councilmember Westerlund relative to the 400 acre feet of water being surface water, where the drinking water would come from, and the water that would be used on the golf course. Councilmember Boyajian thanked staff and spoke briefly to how Running Horse had been a difficult project since day one and to how it has been a very creative and unusual development **(6 - 0)**.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, a Water Delivery Agreement with Running Horse, LLC, for the allocation of up to 400 acre feet of the city's Kings River Water Supply entitlement for a term of 10 years hereby approved, and the Interim Director of Public Utilities authorized to execute the agreement on behalf of the city, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

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**(3-B) REQUEST FOR UPDATE FROM CITY MANAGER ON THE CITY GROWTH BOUNDARY ISSUE UNDER RECONSIDERATION BY THE LAFCO BOARD ON MARCH 16, 2005 - COUNCILMEMBER CALHOUN**

Councilmember Calhoun stated all he knew about this matter was what he has read or heard in the news, he represents constituents who are routinely affected by decisions by "this unusual body" called LAFCO who most constituents know nothing about, he

has been told by staff that a critical meeting and decision by LAFCO was coming up and all he knew was it had something to do with the city's sphere of influence and had the potential to dramatically affect the general plan and elaborated, and stated he felt he did not have appropriate information on this important issue and he did not want to read and hear about it on the 17<sup>th</sup> and requested an update. City Manager Souza stated staff was

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preparing a letter to be sent to LAFCO signed by the Mayor and Council President addressing three key issues and reviewed them, stated he felt it was premature to engage in discussions this date, and advised staff would be scheduling a report on March 15<sup>th</sup> after the letter goes out to LAFCO and that would be the best time to engage in discussions and enter any additional information into the record. Councilmember Calhoun questioned how the Council President could sign on behalf of Council when the Council does not know the content of the letter and if a full-blown public discussion would occur on the 15<sup>th</sup>, with Mr. Souza responding. City Attorney Montoy requested her office review the letter since it would address MOU compliance. Upon question of Councilmember Westerlund Mr. Souza stated Council would get a briefing during the week to go over the points of the letter and clarified he was not down-playing the seriousness of the LAFCO meeting, and relative to who would attend advised he, the Mayor, and the public utilities and planning & development directors would attend to help to reiterate and reinforce the city's position. There was no further discussion.

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**(2:00 P.M. #2) WORKSHOP ON CITY FEES**

The PowerPoint workshop, presented at length by Budget Manager Smith, covered the background, process, and status of fees presented in the Master Fee Schedule (MFS), and in conclusion Ms. Smith stated the City has made significant progress towards full-cost recovery for services and noted city departments were currently in the process of evaluating their fees for services.

Councilmember Calhoun stated the workshop was very helpful and thanked staff, stated Council's reaction/advice may be helpful to staff and the Mayor in developing the budget, and spoke to his strong belief that people should pay for services received and added a strong case would have to be made for any subsidies. Councilmember Duncan stated he considered the city providing park access to be a service that should be supported by general taxes and questioned if a case could be built to not charge park entry fees, with City Manager Souza stating no and explaining. Councilmember Boyajian spoke to the need to get some departments off grant money (such as CDBG) and questioned if there was any concerted effort to wean departments (police and code enforcement) off those funds so the city could make a bigger impact in terms of jobs and helping the poor, and if departments were looking at innovative ways to raise funds, with Ms. Smith responding affirmatively. City Manager Souza added the Mayor has made it clear to staff that he wants to continue the trend of moving code, police and on-going operations away from CDBG and get those to be more self sufficient, and stated although Maximus did a great job of compiling data they did not get into whether services were being provided as efficiently as possible and stated before any fees are raised staff would come back with a very thorough analysis as raising fees would not be taken lightly. Councilmember Westerlund stated he took the issue of fee increases very seriously and he would be looking to see that any increases are justified. There was no further discussion.

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**(3:00 P.M.) ACCEPT CITY OF FRESNO COMPREHENSIVE ANNUAL FINANCIAL REPORT ("CAFR") FOR FISCAL YEAR 2004 AND RELATED LETTER TO MANAGEMENT**

Controller Bradley reviewed the CAFR, Management Report and Auditor's Communication Letter, all as contained in the reports to Council as submitted, and stated the CAFR showed the city was in a stable financial condition and thanked staff and the CAFR team for all their work. Ms. Bradley, City Manager Souza, Assistant City Manager Quinto and City Attorney Montoy responded to questions and comments of Councilmembers Calhoun and Boyajian at length relative to what a "fraction" of the \$61 million in total liability deposits was that warranted a review, **(7 - 0)** surprise to read the city was still in the early stages of PeopleSoft upgrade and what was happening, informing staff he would be bringing the PeopleSoft issue back before Council, accrual accounting and if staff was going in that direction, if the peer review process had ever been done before, what association, if any, this audit has with the Redevelopment Agency, if the auditor was concerned with the Agency's structure or if any discussion occurred on the Controller not having any say over the Agency, and bonding and current bonding capacity.

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, **RESOLVED**, the City of Fresno Comprehensive Annual Financial Report for Fiscal Year 2004 and related Letter to Management hereby accepted, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages

Noes : None  
Absent : None

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145-96

3/8/05

**(3:30 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

The City Council recessed at 4:49 p.m. and convened in joint session with the Redevelopment Agency.

**APPROVE AGENCY MINUTES OF FEBRUARY 15, 2005**

On motion of President Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the Agency minutes of February 15, 2005, approved as submitted.

**(A) RECEIVE AND GIVE DIRECTION TO STAFF TO DEVELOP AN EXCLUSIVE NEGOTIATION AGREEMENT (ENA) BETWEEN THE REDEVELOPMENT AGENCY AND THE ASIAN VILLAGE SHOPPING CENTER GROUP (AVSCG) CONCERNING A PROPOSED MIXED-USE REDEVELOPMENT PROJECT WITHIN THE SOUTHEAST FRESNO REVITALIZATION PROJECT AREA - PRESIDENT DAGES**

President Dages gave an overview of the issue as contained in the staff report as submitted, stated his dream was to see this area (Kings Canyon between Maple and Chestnut) become a tourist attraction and something like San Francisco's Chinatown or Little Saigon, stated the area needed a lot of help and encouraged Council's support, and made a motion to direct staff to enter in negotiations with AVSCG, which motion was seconded and later acted upon. Executive Director Murphey added the agreement guidelines were outlined in the recommendation of staff report and responded to questions of Councilmember Boyajian relative to whether the proposal could expand beyond the proposed redevelopment area and what would induce that expansion.

Bobby Vang, partner and manager of Asian Village, on behalf of the AVSCG principals, spoke further to project and the project's benefits.

City Manager Souza, Ms. Murphey and City Attorney Montoy responded to questions of Councilmember Calhoun relative to what the city staff's role would be in reviewing this proposal, if city staff had any comment/position, if the proposal would be larger than the redevelopment area, if the ENA would come back addressing just the redevelopment area, if a larger area would be a separate issue, if any affected businesses or residents have been notified of the proposal, there being no negatives at this point, and if this matter would come back again to Council. Chair Boyajian thanked the developers for their interest in the area stating it really needed improvement and he hoped the city would be able to help.

On motion of President Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, staff directed to enter in negotiations with the AVSCG for an exclusive negotiation agreement (ENA) based on the six general terms outlined in the staff report, and the ENA to be prepared in approximately 30 days and presented to the Agency Board for final approval, by the following vote:

Ayes : Calhoun, Dages, Duncan, Perea, Sterling, Westerlund, Boyajian  
Noes : None  
Absent : None

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**ADJOURNMENT**

There being no further business to bring before the joint bodies, the hour of 5:03 p.m. having arrived and hearing no objections, Chair Boyajian declared the meeting adjourned.

**APPROVED** on the \_\_\_\_15th\_\_\_\_day of March, 2005.



\_\_\_\_\_/s/

ATTEST: \_\_\_\_\_/s/

Tom Boyajian, Agency Chair

Yolanda Salazar, Assistant City Clerk

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